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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/747,602 |
| | Filing Date | December 22, 2000 |
| | First Named Inventor | Kent GILSON |
| | Group Art Unit | 2641 |
| | Examiner Name | To Be Assigned |
| Total Number Of Pages In This Submission | | 5 |
| Attorney Docket No. | | 404332000200 |

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

| | |
|-------------------------------|--|
| Firm or Individual Name | Morrison & Foerster, LLP 425 Market St., San Francisco, California 94105-2482 Stephen C. Durant, Reg. No. 31,506 |
| Signature | |
| Date | July 16, 2002 |

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PATENT
Docket No. 404332000200

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Tina Hall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kent GILSON

Serial No.: 09/747,602

Filing Date: December 22, 2000

For: VIVA

Examiner: To Be Assigned

Group Art Unit: 2641

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**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Search Report of May 31, 2002 (copy attached), directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

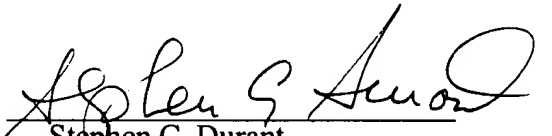
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been

made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 404332000200. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 16, 2002

Respectfully submitted,

By: 
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